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PATENT

Attorney Docket No. 046700-5014

Page 1 of 8

2/6/9/6/02
P#
#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rupp et al.

Application No.: 09/753,347

Filed: 12/29/2000

For: METHOD AND APPARATUS FOR
CONFIGURABLY ADJUSTING A BID
IN AN ONLINE AUCTION

Group Art Unit: 2164

Examiner: Unassigned

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INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature Kim R. Jessum Date of Deposit June 3, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,863,060	01/28/75	Rode, et al.
4,597,045	06/24/86	Kiuchi
4,799,156	01/17/89	Shavit
5,629,982	05/13/97	Micali
5,640,569	06/17/97	Miller, et al.
5,799,285	08/25/98	Klingman
5,803,500	9/8/98	Mossberg
5,809,483	9/15/98	Broka, et al.
5,826,244	10/20/98	Huberman
5,832,496	11/3/98	Anand, et al.
5,835,896	11/10/98	Fisher, et al.
5,862,223	1/19/99	Walker, et al.
5,890,138	3/30/99	Godin, et al.
5,897,621	4/27/99	Boesch, et al.
5,905,974	5/18/99	Fraser, et al.
5,905,975	5/18/99	Ausubel
5,915,209	6/22/99	Lawrence
5,966,699	10/12/99	Zandi
6,014,627	1/11/00	Togher, et al.

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6,021,398	2/1/00	Ausubel
6,023,685	2/8/00	Brett, et al.
6,044,363	3/28/00	Mori, et al.
6,055,518	4/25/00	Franklin, et al.
6,058,379	5/2/00	Odom, et al.
6,061,663	5/9/00	Bloom, et al.
6,078,906	6/20/00	Huberman
6,119,229	9/12/00	Martinez, et al.
6,151,589	11/21/00	Aggarwal, et al.
6,161,099	12/12/00	Harrington, et al.
6,199,050	3/6/01	Alaia, et al.
6,266,652	7/24/02	Godin, et al.

Foreign Patents

<u>Publication No.</u>	<u>Publication Date</u>	<u>Country</u>
0399850A	11/28/90	EP
WO 92/15174	9/3/92	WIPO
WO 97/37315	10/9/97	WIPO
WO 98/34187	8/6/98	WIPO
WO 99/63461	12/9/99	WIPO
409101994A	4/97	JP
410078992A	3/98	JP

Other Publications

“BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture”, Business Wire, p5150152, May 15, 1995

“FairMarket Launches New Self-Serve Auctions.” Business Wire, p6161495, June 16, 1998

Lee, “Do electronic marketplaces lower the price of goods?”, Communications of the PCM, v41n1 pp 73-80 Jan 1998

“Moai Technologies Introduces New categories of Business to Business Auction Software..”, Business Editors and Computer writers, March 16, 1998

Kikuchi, et al., “Multi-Round Anonymous Auction Protocols”, IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999

“Online bidding software”, Electronic Buyers' News, 08/25/97 Issue 1072, p86, 1/6p

Sairamesh, et al., “Economic Framework for Pricing and Charging Digital Libraries”, DLip Magazine, February 1996

“Sold!...To the Lowest Bidder”, Computer Finance, v6, n2 July 1995

“Venture Capitalists Fund Two Massachusetts Internet Related Companies”, Boston Globe, January 14, 1998

Vigoroso, "Buyers prepare for brave new world of e-commerce." Purchasing, v126, n6, pS4(1), April 22, 1999.

Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12) July 1994

“What you need to know to bid in FCC's narrowband auction” Washington Telecom News, v2, n26, p6(2), June 27, 1994

Further, in compliance with 37 C.F.R. § 1.98(d), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) have not been provided because they were cited in parent application no. 09/252,790, filed on February 19, 1999, now U.S. Patent No. 6,230,146, issued May 18, 2001.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,581,072	5/25/71	Nymeyer
4,674,044	6/16/87	Kalmus, et al.
4,789,928	12/6/88	Fujisaki
4,845,625	7/4/89	Stannard
4,992,940	2/12/91	Dworkin
5,136,501	8/4/92	Silverman, et al.
5,193,056	3/9/93	Boes
5,243,515	9/7/93	Lee
5,297,032	3/22/94	Trojan, et al.
5,375,055	12/20/94	Togher, et al.
5,394,324	2/28/95	Clearwater
5,402,336	3/28/95	Spiegelhoff, et al.
5,606,602	2/25/97	Johnson, et al.
5,664,115	9/2/97	Fraser
5,684,963	11/4/97	Clement
5,689,652	11/18/97	Lupien, et al.

5,715,402	2/3/98	Popolo
5,727,165	3/10/98	Ordish, et al.
5,758,327	5/26/98	Gardner, et al.
5,758,328	5/26/98	Giovannoli
5,765,138	6/9/98	Aycock, et al.
5,774,873	6/30/98	Berent, et al.
5,794,207	8/11/98	Walker, et al.
5,794,219	8/11/98	Brown
5,797,127	8/18/98	Walker, et al.
5,799,151	8/25/98	Hoffer
5,802,502	9/1/98	Gell, et al.

Other Publications

Malone et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II (May-June, 1989)

Freemarkets™ Online, "Bidware Manual" (6/9/1988)

Freemarkets Online™, "Online Industrial Market Making, An Overview of Purchasing Executives"

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OnSale, "How to Play" (1998)

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Freemarkets Online™, "Homepage" (1998)

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

Steinert-Threlkeld, "New Watchwords: Let Sellers Beware", June 1, 1998

Woolley, "E-muscle", March 9, 1998

Associated Press, "FreeMarkets Takes Auction on Internet", February 23, 1998

Jahnke, "How Bazaar", CIO Web Business Magazine (8/27/98)

Wilder, "What's Your Bid? -- FreeMarkets' real-time online bidding technology lets clients drive down costs and improve product value", November 10, 1997, InformationWeek

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1 (January 29, 1986)

Danny Cohen, "Computerized Commerce" Information Processing 89 (August 28-September 1, 1989)

Applicants respectfully request that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or

other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 3, 2002
Date

By: 

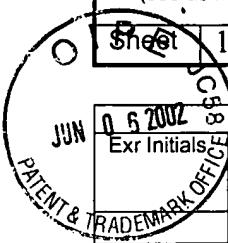
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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	09/753,347
(use as many sheets as necessary)		Filing Date	December 29, 2000
		First Named Inventor	Rupp, et al.
		Group Art Unit	2164
		Examiner Name	Unassigned
Sheet 1	of 3	Attorney Docket Number	046700-5014

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U.S. PATENT DOCUMENTS				
Exr Initials CPTI		U.S. Patent Document	Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
Number	Kind Code (if known)			
3,581,072			Nymeyer	5/25/71
3,863,060			Rode, et al.	1/28/75
4,597,045			Kiuchi	6/24/86
4,674,044			Kalmus, et al.	6/16/87
4,789,928			Fujisaki	12/6/88
4,799,156			Shavit, et al.	1/17/89
4,845,625			Stannard	7/4/89
4,992,940			Dworkin	2/12/91
5,136,501			Silverman, et al.	8/4/92
5,193,056			Boes	3/9/93
5,243,515			Lee	9/7/93
5,297,032			Trojan, et al.	3/22/94
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5,684,963			Clement	11/4/97
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5,799,285			Klingman	8/25/98
5,802,502			Gell, et al.	9/1/98
5,803,500			Mossberg	9/8/98
5,809,483			Broka, et al.	9/15/98
5,826,244			Huberman	10/20/98
5,832,496			Anand, et al.	11/3/98
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5,862,223			Walker, et al.	1/19/99
5,890,138			Godin, et al.	3/30/99
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5,905,974			Fraser, et al.	5/18/99
5,905,975			Ausubel	5/18/99
5,915,209			Lawrence	6/22/99
5,966,699			Zandi	10/12/99
6,014,627			Togher, et al.	1/11/00
6,021,398			Ausubel	2/1/00

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	6,055,518		Franklin, et al.	4/25/00
	6,058,379		Odom, et al.	5/2/00
	6,061,663		Bloom, et al.	5/9/00
	6,078,906		Huberman	6/20/00
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	6,199,050		Alaia, et al.	3/6/01
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FOREIGN PATENT DOCUMENTS					
Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Country Code	Number	Kind Code (if known)		
	EP	0399850A			11/28/90
	WIPO	WO 92/15174			9/3/92
	WIPO	WO 97/37315			10/9/97
	WIPO	WO 98/34187			8/6/98
	WIPO	WO 99/63461			12/9/99
	JP	409101994A			4/97
	JP	410078992A			3/98

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Exr Initials	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				
	“BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture”, Business Wire, p5150152, May 15, 1995				
	“FairMarket Launches New Self-Serve Auctions.” Business Wire, p6161495, June 16, 1998				
	Lee, “Do electronic marketplaces lower the price of goods?”, Communications of the PCM, v41n1 pp 73-80 Jan 1998				
	“Moai Technologies Introduces New categories of Business to Business Auction Software..”, Business Editors and Computer writers, March 16, 1998				
	Kikuchi, et al., “Multi-Round Anonymous Auction Protocols”, IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999				
	“Online bidding software”, Electronic Buyers' News, 08/25/97 Issue 1072, p86, 1/6p				

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"What you need to know to bid in FCC's narrowband auction" Washington Telecom News, v2, n26, p6(2), June 27, 1994		
Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II (May-June, 1989)		
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Freemarkets Online™, "Online Industrial Market Making, An Overview of Purchasing Executives"		
WebAuction.com, "How to Play" (1998)		
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